WILLIAMS JESSIE M
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ACTION SCS-06
INFO OCT-01 ARA-10 ISO-00 CA-01 SS-00 INR-07 E-01 FA-05
/027 W

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FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 5991
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ARA/CAR PASS TUMMINIA CA FOR ASSIST
E.O. 11652: N/A
TAGS: CASC (STOEN, JOHN)
SUBJECT: W/M JOEN STOEN
REF: (A) STATE 002640, (B) GEORGETOWN 2057
(C) STATE 004065 (D) 77 GEORGETOWN 2269

1. HEARING WAS HELD ON JAN 7 AS SCHEDULED. CONSUL APPEARED AT COURT BUT WAS NOT PERMITTED TO BE PRESENT IN JUDGE'S CHAMBERS WHERE HEARING TOOK PLACE. THIS IS NORMAL COURT PROCEDURE HERE SINCE HEARINGS ON CHILD CUSTODY CASES IN GUYANA ARE ALWAYS HELD IN THE JUDGE'S CHAMBERS WITH ONLY THE ATTORNEYS AND PARTICIPANTS PERMITTED ACCESS. AT CONCLUSION OF HEARING CONSUL HELD LENGTHY MEETING WITH MR. AND MRS. TIMOTHY STOEN AND THEIR US ATTORNEY, JEFF HAAS, TO DISCUSS CASE.
2. HAAS TOLD CONSUL HE IS NOW OPTIMISTIC THAT JUDGE WILL DECIDE IN FAVOR OF HIS CLIENTS. HE IS ALSO CONVINCED AT THIS TIME THAT GOG HAS NOT INFLUENCED JUDGE TO DECIDE AGAINST STOENS.
3. HAAS TOLD CONSUL THAT HEARING, PRIMARILY CENTERED AROUND ARGUMENT BY JONES' LOCAL ATTORNEY LIONEL LUCKHOO

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THAT ORDER OF ARREST ORDERED BY COURT AGAINST JONES FOR EVADING PROCESS OF SERVICE, BE CANCELLED. LUCKHOO HAS ARGUED THAT THERE WAS A LACK OF DUE DILIGENCE IN THE PROCESS OF SERVICE. LUCKHOO ALSO ARGUED THAT JEFF HAAS HAD NO AUTHORITY TO REPRESENT GRACE STOEN AND FINALLY THAT COURT HAD NO JURISDICTION IN THIS CASE SINCE ALL OF DISPUTANTS ARE AMERICANS.
4. HAAS REPORTED THAT JUDGE RULED THAT COURT HAS JURISDICTION AND THAT HAAS HAD PROPER AUTHORITY. JUDGE DID NOT RULE ON WHETHER HE WOULD STAY THE ORIGINAL ARREST ORDER ISSUED AGAINST JONES. HAAS CONTINUED THAT STOEN'S LOCAL ATTORNEY WILL CONCLUDE ARGUMENTS ON TUESDAY, JAN 10. THAT JONES AND/OR JOYCE TOUCHETTE (THE CO-RESPONDENT WITH JONES) SHOULD PRODUCE JOHN STOEN FORTHWITH AND TURN HIM OVER TO COURT. JUDGE ALSO TOLD PEOPLE'S TEMPLE ATTORNEY (LUCKHOO) HIS CLIENTS SHOULD FILE AN AFFIDAVIT NOT LATER THAN TUESDAY, JAN 10 IF HE WANTS THE JUDGE TO ALSO CONSIDER THE MERITS OF JONES AND TOUCHETTE RETAINING GUARDIANSHIP OF CHILD. APPAR-

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FNTLY NEITHER JONES NOR TOUCHETTE HAS PRESENTED ARGU-
MENTS ON THEIR BEFALF FOR RETAINING CUSTODY OF JOHN
STOEN.
5. HAAS BELIEVES THAT BASED UPON THE JUDGE'S RULINGS
JAN 7, SOME TIME SOON AFTER CONCLUDING ARGUMENTS JAN 12
JUDGE WILL RULE IN FAVOR OF STOENS. HAAS IS CONVICED
THAT HIS CLIENTS HAVE PRESENTED SUFFICIENT EVIDENCE TO
SHOW THAT THEY HAVE REVOKED PREVIOUS GUARDIANSHIP ORDER
AND THAT UNLESS LUCKHOO CAN PRESENT NEW EVIDENCE JUDGE
SHOULD RULE TO RETURN CHILD TO STOENS.
6. ALTHOUGH HAAS NOW APPEARS SATISFIED THAT THE GOG
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IS NOT INFLUENCING THE JUDGE, HE EXPRESSED CONCERN THAT
GOG MIGHT NOT ENFORCE A POSSIBLE COURT RULING IN FAVOR
OF STOENS. HOWEVER, MR. AND MRS. STOEN MET WITH
MINISTER OF HOME AFFAIRS VIBERT MINGO ON JAN 8 AND
RECEIVED HIS ASSURANCES THAT THE COURT'S RULING WOULD
BE ENFORCED. MINGO'S MINISTRY IS RESPONSIBLE FOR LAW
ENFORCEMENT.
7. COMMENT: EMBASSY IS SURPRISED AT HAAS' CRITICISM
OF OUR EFFORTS AS REPORTED REF C. DURING HIS VISITS
HE HAS ENJOYED READY ACCESS TO BOTH THE CONSUL AND
CHARGE'. FURTHERMORE, HE WAS ASSISTED IN OBTAINING
MEETINGS WITH HIGH LEVEL GOG OFFICIALS, UP TO AND IN-
CLUDING THE FOREIGN MINISTER. HAAS, HOWEVER, HAS
PERSISTENTLY WANTED THE EMBASSY TO TAKE THE STOENS'
SIDE IN THE CASE. WE HAVE RESISTED THESE PRESSURES
BECAUSE THE EMBASSY IS OBVIOUSLY NOT IN A POSITION TO
JUDGE THE LEGAL MERITS OF EITHER SIDE. EMBASSY WILL
CONTINUE TO MONITOR THIS PROCEEDING CLOSELY, PARTICULAR-
LY AS IT INVOLVES SEVERAL AMERICAN CITIZENS ON BOTH SIDES
OF THE ISSUE.
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